

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM MOSS,)	
#05531-025,)	
)	
Petitioner,)	
)	CIVIL NO. 04-4097-GPM
vs.)	
)	CRIMINAL NO. 00-40101-02-GPM
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

On June 6, 2005, this Court entered final judgment and dismissed the motion to vacate, set aside, or correct sentence. (*See* Docs. 12, 13.) Petitioner filed a notice of appeal on August 5, 2005. (*See* Doc. 14.)

Pursuant to 28 U.S.C. § 2253, Petitioner may not proceed on appeal without a certificate of appealability. Section 2253(c)(2) provides that a certificate of appealability may issue “only if the applicant has made a substantial showing of the denial of a constitutional right.” Section 2253(c)(3) further provides that “[t]he certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2).”

For the reasons set forth in the Court’s June 6, 2005, Memorandum and Order (*see* Doc. 12), Petitioner has not made a substantial showing of the denial of a constitutional right. Moreover, it

appears that Petitioner's appeal is untimely. Accordingly, a certificate of appealability is **DENIED**.

IT IS SO ORDERED.

DATED: 09/01/05

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge